

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NOVARTIS PHARMACEUTICALS CORPORATION,  
NOVARTIS CORPORATION, NOVARTIS AG,  
AND NOVARTIS PHARMA AG,

Plaintiffs,

v. // CIVIL ACTION NO. 1:14CV111  
(Judge Keeley)

MYLAN INC. and MYLAN PHARMACEUTICALS,  
INC.,

Defendants.

ORDER DENYING THE DEFENDANTS' MOTION TO EXPEDITE BRIEFING  
[DKT. NO. 68]

On March 30, 2015, the defendants, Mylan Inc. and Mylan Pharmaceuticals, Inc. ("Mylan") filed a motion seeking clarification of the Court's scheduling order, and for a deadline for intervention (Dkt. No. 65). On March 31, 2015, Mylan filed a motion to expedite briefing on the motion seeking clarification and for a deadline for intervention (Dkt. No. 68). On April 1, 2015, the Court ordered the plaintiffs, Novartis Pharmaceuticals Corporation, Novartis Corporation, Novartis AG, and Novartis Pharma AG ("Novartis") to respond to Mylan's motion to expedite (Dkt. No. 69).

On April 2, 2015, Novartis responded (Dkt. No. 70), opposing Mylan's motion to expedite because the United States District Court for the District of Delaware is already in the process of addressing the discovery issues implicated in Mylan's motion for clarification of the scheduling order and for a deadline for

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intervention.<sup>1</sup> The issues raised by Mylan in its motion for clarification of the scheduling order and for a deadline for intervention will likely be briefed in the District of Delaware by April 17, 2015 (Dkt. No. 70 at 2). Mylan seeks a briefing deadline in this Court of April 13, 2015 (Dkt. No. 68 at 1).

Because the Court seeks to avoid duplication and inefficiency between this action and the first-filed case in the District of Delaware, particularly in light of the pending motion to stay, it **DENIES** Mylan's motion to expedite briefing on its motion seeking clarification of the Court's scheduling order, and for a deadline for intervention (Dkt. No. 68).

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: April 6, 2015.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The first-filed action in the District of Delaware is proceeding before Judge Andrews, who recently denied the motion to dismiss filed by Mylan Pharmaceuticals Inc. (Dkt. No. 63 at 2). Novartis filed a motion to stay this second-filed case on March 26, 2015, and it is currently pending. Id.